



DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree under the Clean Air Act

On January 24, 2023, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Delaware in the lawsuit entitled *United States v. Genesee & Wyoming Railroad Services, Inc., et al.*, Civil Action No. 1:23-cv-00084-UNA.

The Complaint alleges claims for penalties and injunctive relief under the Clean Air Act, 42 U.S.C. 7413, arising from Defendants' non-compliance with regulations pertaining to locomotives promulgated by the Environmental Protection Agency. The proposed Consent Decree resolves these claims and requires Defendants and affiliated non-defendants who also own and operate locomotives to pay a penalty of \$1,350,000, undertake various actions to facilitate their compliance with applicable locomotive regulations, and remove eighty-eight older and high emission locomotives from service to mitigate the harm caused by their violations.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Genesee & Wyoming Railroad Services, Inc., et al.* D.J. Ref. No. 90-5-2-1-12479. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by e-mail or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail	pubcomment-ees.enrd@usdoj.gov
By mail	Assistant Attorney General U.S. DOJ – ENRD P.O. Box 7611 Washington, D.C. 20044-7611

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>.

We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to:

Consent Decree Library
U.S. DOJ – ENRD
P.O. Box 7611
Washington, D.C. 20044-7611

Please enclose a check or money order for \$11.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Patricia McKenna,
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